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OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-EIGHTH LEGISLATURE

**EIGHTEENTH LEGISLATIVE DAY
THURSDAY, JANUARY 27, 2005**

Senate Chamber

President Risch called the Senate to order at 11:30 a.m.

Roll call showed all members present.

The President announced that the Oath of Office had been administered previously to Acting Senator Stephen Williams.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Jenni Hurley, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 26, 2005, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

January 27, 2005

The JUDICIARY AND RULES Committee reports that **S 1056**, **S 1057**, and **S 1058** have been correctly printed.

DARRINGTON, Chairman

S 1056 was referred to the Agricultural Affairs Committee.

S 1057 and **S 1058** were referred to the Transportation Committee.

January 27, 2005

The STATE AFFAIRS Committee reports out **SCR 102** with the recommendation that it do pass.

BURTENSHAW, Chairman

SCR 102 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

January 27, 2005

The EDUCATION Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Sue Thilo to the State Board of Education, term to expire March 1, 2009;

Karen A. McGee to the State Board of Education, term to expire March 1, 2009;

James C. Hammond to the Public Charter School Commission, term to expire May 12, 2008.

GOEDDE, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1059

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-808, IDAHO CODE, TO SET FORTH SAFETY PROVISIONS FOR PERSONS TURNING A VEHICLE ONTO A HIGHWAY, MOVING A VEHICLE RIGHT OR LEFT UPON A HIGHWAY OR MERGING ONTO OR EXITING FROM A HIGHWAY.

S 1060

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO REPRESENTATION BY COUNSEL; AMENDING SECTION 19-852, IDAHO CODE, TO STRIKE LANGUAGE PROVIDING FOR THE RIGHT TO REPRESENTATION IN CERTAIN POST-CONVICTION PROCEEDINGS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 19-4904, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO AN APPLICANT'S ABILITY TO PAY THE EXPENSES OF REPRESENTATION AND COURT COSTS.

S 1061**BY JUDICIARY AND RULES COMMITTEE****AN ACT**

RELATING TO DOMESTIC VIOLENCE; AMENDING SECTION 18-918, IDAHO CODE, TO MAKE A GRAMMATICAL CHANGE, TO REVISE THE INTENT REQUIRED TO COMMIT A DOMESTIC BATTERY AND TO MAKE TECHNICAL CORRECTIONS.

S 1062**BY JUDICIARY AND RULES COMMITTEE****AN ACT**

RELATING TO ATTEMPTED STRANGULATION; AMENDING CHAPTER 9, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-923, IDAHO CODE, TO PROHIBIT ATTEMPTED STRANGULATION, TO SET FORTH PUNISHMENT, TO PROVIDE FOR INTENT AND TO DEFINE TERMS.

S 1063**BY JUDICIARY AND RULES COMMITTEE****AN ACT**

RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-227, IDAHO CODE, TO INCREASE THE PENALTY FOR OPERATING A VEHICLE WITHOUT THE OWNER'S CONSENT IN CERTAIN CIRCUMSTANCES AND TO MAKE A TECHNICAL CORRECTION.

S 1064**BY JUDICIARY AND RULES COMMITTEE****AN ACT**

RELATING TO MALICIOUS INJURY TO PROPERTY; AMENDING SECTION 18-7001, IDAHO CODE, TO PROVIDE FOR AN INCREASED PENALTY IN CERTAIN CIRCUMSTANCES.

S 1065**BY JUDICIARY AND RULES COMMITTEE****AN ACT**

RELATING TO INJURY TO CHILDREN; AMENDING SECTION 18-1501, IDAHO CODE, TO DEFINE THE TERM "WILLFULLY" AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY.

S 1066**BY EDUCATION COMMITTEE****AN ACT**

RELATING TO EDUCATION; AMENDING SECTION 33-206, IDAHO CODE, TO REVISE THE DEFINITION FOR "HABITUAL TRUANT" AND TO REMOVE LANGUAGE SETTING FORTH PETITION REQUIREMENTS BASED UPON TRUANCY; AND AMENDING SECTION 33-207, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO PROCEEDINGS AGAINST PARENTS AND GUARDIANS WHOSE CHILDREN ARE HABITUAL TRUANTS.

S 1059, S 1060, S 1061, S 1062, S 1063, S 1064, S 1065, and **S 1066** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1003, by Gannon, was read the second time at length and filed for third reading.

H 6, H 7, H 8, and **H 9**, by Appropriations Committee, were read the second time at length and filed for third reading.

S 1008, S 1009, and **S 1010**, by Commerce and Human Resources Committee, were read the second time at length and filed for third reading.

H 4, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

S 1011, by Broadsword, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1002, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Noble, Pearce, Richardson, Schroeder, Stennett, Sweet, Werk, Williams (Williams). Total - 34.

NAYS--None.

Absent and excused--Stegner. Total - 1.

Total - 35.

Whereupon the President declared **S 1002** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:50 a.m. until the hour of 11:30 a.m., Friday, January 28, 2005.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary